

Message Text

LIMITED OFFICIAL USE

PAGE 01 NEW DE 02949 031827Z

65-61

ACTION NEA-09

INFO OCT-01 ISO-00 SCS-03 L-02 SCA-01 H-01 SS-15 NSC-05

CIAE-00 DODE-00 INR-07 NSAE-00 PA-01 USIA-06 PRS-01

SP-02 DEAE-00 SY-05 /059 W

----- 128751

R 031626Z MAR 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 7261

INFO AMCONSUL CALCUTTA

LIMITED OFFICIAL USE NEW DELHI 2949

E.O. 11652: N/A

TAGS: CASC, PFOR, IN, US

SUBJECT: HARCOS/FLETCHER

REF: NEW DELHI 2485

1. PRIME MINISTER'S SECRETARIAT (HAIDER) INFORMED US MARCH 3 THAT DECISION HAD BEEN TAKEN "IN PRINCIPLE" LAST WEEK TO AGREE TO "PLEA BARGAINING" BY HARCOS/FLETCHER. THIS IS THE FIRST TIME, HAIDER SAID, GOI HAS CONSIDERED AGREEING TO CHANGE IN CHARGES AFTER TRIAL IN COURSE. REVISION OF INDIAN LEGAL PROCEDURAL CODE LAST YEAR IS NOW INTERPRETED BY THE HOME MINISTRY IN DELHI AND CONCURRED IN BY THE WEST BENGAL GOVERNMENT AS ALLOWING THIS IN HARCOS/FLETCHER CASE.

2. DETAILS REMAIN TO BE WORKED OUT, HAIDER SAID, BUT HE ANTICIPATED THAT WITHIN THE NEXT TWO MONTHS ARRANGEMENTS COULD BE COMPLETED. PROCESS WILL NECESSITATE HARCOS AND FLETCHER AGREEING TO PLEAD GUILTY TO ATTEMPTED DRUG SMUGGLING "IN PROPER FORM," WHICH MEANS BEFORE A MAGISTRATE AND IN FORM ADMISSIBLE BEFORE A COURT. THE GOVERNMENT WOULD THEN AGREE TO ALTER THE CHARGES AGAINST THEM TO TAKE ACCOUNT OF THEIR NEW PLEA AND THEY WOULD BE FOUND GUILTY AND SENTENCED. SINCE THE SENTENCES IMPOSED FOR DRUG SMUGGLING ARE RELATIVELY MINOR, HAIDER ANTICIPATED THAT

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 NEW DE 02949 031827Z

EITHER THEIR DETENTION FOR THE LAST TWO YEARS WOULD BE TAKEN

INTO ACCOUNT AND THEY WOULD IMMEDIATELY BE RELEASED AND DEPORTED, OR THE GOVERNMENT WOULD USE ITS POWERS TO REMIT WHATEVER SENTENCE WAS IN FACT IMPOSED BY THE COURT. THE PRINCIPLE OBJECTIVE, HAIDER SAID, WAS INDEED TO GET HARCOS AND FLETCHER OUT OF INDIA AS QUICKLY AS POSSIBLE.

3. COMMENT: WE FIND THIS ALL CONSIDERABLY MORE ENCOURAGING NOW. IN THE FIRST PLACE, THE GOI HAS NOT ATTEMPTED APPARENTLY TO SHIFT GEARS ON THIS ISSUE IN THE AFTERMATH OF THE US ARMS POLICY DECISION. SECOND, EVEN IF THE SPECIFIC TIME SCHEDULE SUGGESTED BY HAIDER SLIPS SOMEWHAT (AND WE WOULD BE SURPRISED IF IT DOES NOT), THE PROBLEM SEEMS TO BE ON THE TRACK SO FAR AS "PRINCIPLE" IN CONCERNED, AND THE EARLIER GOI VIEW THAT "PRINCIPLE" WOULD NOT ALLOW A SHIFT IN CHARGES NOW SEEMS DEFINITELY TO HAVE CHANGED.

4. WHAT CONCERNS US NOW, IS THAT HARCOS AND FLETCHER THEMSELVES NOT THROW SPANNERS INTO THE WORKS WITH A NEW HUNGER STRIKE, A REFUSAL TO SIGN A LEGALLY ADMISSIBLE CONFESSION ON DRUG SMUGGLING, OR A DEMAND FOR UNEQUIVOCAL GOI COMMITMENTS IN WRITING BEFORE THEY WILL DO ANYTHING. NOR WILL A PRESS CAMPAIGN BY THE US LAWYERS HELP AT THIS POINT EITHER. WE WILL SPEAK WITH HAIDER AT THE END OF THIS WEEK AGAIN ON EXACTLY HOW THE MESSAGE WILL BE GOTTEN ACROSS TO THE DEFENDANTS THAT THE GOVERNMENT'S POSITION HAS CHANGED: WHETHER THE PROSECUTION WILL APPROACH THEM OR THE DEFENDANTS' LAWYERS, OR WHETHER HARCOS AND FLETCHER SHOULD TAKE SOME NEW INITIATIVE THEMSELVES--AND WHEN. IT WILL CERTAINLY BE NECESSARY FAIRLY EARLY IN THE PROCESS FOR THE GOI TO CONVINCE HARCOS AND FLETCHER OF GOI GOOD FAITH ON THIS SCENARIO. EVEN THEN, WE ARE UNSURE WHETHER THEIR CONCERN ABOUT POSSIBLE PROSECUTION RISKS IN THE US WILL MAKE THEM RELUCTANT TO AGREE TO ANY FORMAL CONFESSION OF ATTEMPTED SMUGGLING.

SAXBE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRIALS, PRISONERS RELEASE
Control Number: n/a
Copy: SINGLE
Draft Date: 03 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975NEWDE02949
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750074-0660
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750388/aaaadbxxw.tel
Line Count: 95
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 NEW DELHI 2485
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 04 AUG 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 AUG 2003 by ShawDG>; APPROVED <24 NOV 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HARCOS/FLETCHER
TAGS: CASC, PFOR, IN, US, (HARCOS), (FLETCHER), (HAIDER, SULEIMAN)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006